

07/31/01

CS-02-01

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Please type a plus sign (+) inside this box [+]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 003801.P058
(maximum 12 characters)

Title: A METHOD AND SYSTEM TO FACILITATE PRE-ORDERING VIA AN ELECTRONIC COMMERCE FACILITY, AND AUTOMATICALLY TO FACILITATE SATISFYING OF A PRE-ORDER UPON LISTING OF AN APPROPRIATE OFFER VIA THE ELECTRONIC COMMERCE FACILITY

Express Mail Label No. EL627466203US

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form (e.g., PTO/SB/17)**
 (Submit an original, and a duplicate for fee processing)

2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**

3. **Specification (Total Pages 47)**
 (preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table,
 or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

4. **Drawings(s) (35 USC 113) (Total Sheets 20)**

5. **Oath or Declaration (Total Pages 6)**

a. Newly Executed (Original or Copy)

b. Copy from a Prior Application (37 CFR 1.63(d))
 (for Continuation/Divisional with Box 17 completed)

i. DELETIONS OF INVENTOR(S) Signed statement attached deleting
 inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)
 and 1.33(b).

c. Unsigned.

6. **Application Data Sheet. (37 CFR 1.76)**

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
 (if applicable, all necessary)

a. Computer Readable Form (CRF)

b. Specification Sequence Listing on:
 i. CD-ROM or CD-R (2 copies); or
 ii. paper

c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & documents(s))
10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
 b. Power of Attorney
11. English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
 b. Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Copy of postcard with express mail stamp, Request for early publication under 37 CFR § 1.219

18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: _____ **Examiner** _____ **Group Art Unit** _____
(which is a continuation/ divisional/ CIP of prior application no. _____,
which is a continuation/ divisional/ CIP of prior application no. _____) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that _____ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. _____ Frame No. _____ (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label _____
or _____ (Insert Customer No. or Attach Bar Code Label here)

Correspondence Address Below

NAME ANARE L. MARAIS
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-9397

Name (PRINT/TYPE): André L. Marais Registration No.: 48,095

Signature:  Date: 07/31/01

FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$)** 2006.00**Complete if Known:**

Application No. Unknown
 Filing Date Herewith
 First Named Inventor Michael Schwankl
 Group Art Unit Not Yet Assigned
 Examiner Name Not Yet Assigned
 Attorney Docket No. 003801.P058

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
 Deposit Account Name

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check
 Credit Card
 Money Order
 Other

FEE CALCULATION**1. BASIC FILING FEE**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
101	710	201	355	Utility application filing fee	<u>710.00</u>
106	320	206	160	Design application filing fee	<u></u>
107	490	207	245	Plant filing fee	<u></u>
108	710	208	355	Reissue filing fee	<u></u>
114	150	214	75	Provisional application filing fee	<u></u>
SUBTOTAL (1) \$ 710.00					

2. EXTRA CLAIM FEES

		<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>62</u>	<u>- 20** = 42</u>	<u>X 18.00</u>	<u>= 756.00</u>
Independent Claims	<u>6</u>	<u>- 3** = 3</u>	<u>X 80.00</u>	<u>= 240.00</u>
Multiple Dependent				

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 996.00

FEE CALCULATION (continued)

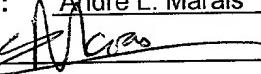
3. ADDITIONAL FEES

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	65
127	50	227	25
			Surcharge - late filing fee or oath
			Surcharge - late provisional filing fee or cover sheet
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
			Non-English specification
			For filing a request for ex parte reexamination
			Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*
			Requesting publication of SIR after Examiner action
115	110	215	55
116	390	216	195
117	890	217	445
118	1,390	218	695
128	1,890	228	945
119	310	219	155
120	310	220	155
121	270	221	135
138	1,510	138	1,510
140	110	240	55
141	1,240	241	620
142	1,240	242	620
143	440	243	220
144	600	244	300
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
			Petition to institute a public use proceeding
			Petition to revive – unavoidable
			Petition to revive - unintentional
			Utility issue fee (or reissue)
			Design issue fee
			Plant issue fee
			Petitions to the Commissioner
			Processing fee under 37 CFR 1.17(q)
			Submission of Information Disclosure Stmt
			Recording each patent assignment per property (times number of properties)
146	710	246	355
149	710	249	355
179	710	279	355
169	900	169	900
195	300	195	300
196	300	196	300
194	130	194	130
098	130	098	130
091	1,240	091	1,240
			For filing a submission after final rejection (see 37 CFR 1.129(a))
			For each additional invention to be examined (see 37 CFR 1.129(b))
			Request for Continued Examination (RCE)
			Request for expedited examination of a design application
			Publication fee for early, voluntary, or normal publication
			Publication fee for republication
			Request for voluntary publication or republication
			Processing fee under 37 CFR 1.17(i)
			Acceptance of unintentionally delayed claim for priority
Other fee (specify) <u>Request for early publication under 37 CFR § 1.219</u>			X
Other fee (specify) _____			_____
SUBTOTAL (3) \$ 300.00			

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: André L. Marais

Signature:  Date: 07/31/01

Reg. Number: 48,095 Telephone Number: 408-947-8200

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

"Express Mail" mailing label number: EL627466203US
Date of Deposit: July 31, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231

Lucia Sanchez

(Typed or printed name of person mailing paper or fee)

Lucia Sanchez
(Signature of person mailing paper or fee)

7/31/2001

(Date signed)

Serial/Patent No.	Filing/Issue Date.	Herewith
Client: <u>eBay, Inc.</u>		
Title: <u>METHOD AND SYSTEM TO FACILITATE PRE-ORDERING VIA AN ELECTRONIC COMMERCE FACILITY AND AUTOMATICALLY TO FACILITATE....</u>		
BSTZ File No.: <u>093801, P058</u>	Att/Secty Initials: <u>ALM/18</u>	
Date Mailed: <u>July 31, 2001</u>	Docket Due Date:	
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:		
<input type="checkbox"/> Amendment/Response (<u>ppg.</u>)	<input checked="" type="checkbox"/> Express Mail No.: <u>EL627466203US</u>	<input type="checkbox"/> Check No. <u>309</u>
<input type="checkbox"/> Appeal Brief (<u>ppg.</u> on envelope)	<input type="checkbox"/> Month(s) Extension of Time	Amt. <u>\$1706.00</u>
<input checked="" type="checkbox"/> Application - Utility (<u>ppg.</u> with cover and abstract)	<input type="checkbox"/> Motion/Declaration PTO REC'D. <u>ppg.)</u>	<input checked="" type="checkbox"/> Check No. <u>309</u>
<input type="checkbox"/> Application - Rule 1.33(b) Continuation (<u>ppg.</u>)	<input type="checkbox"/> Issue Fee Transmittal	Amt. <u>300</u>
<input type="checkbox"/> Application - Rule 1.33(b) Divisional (<u>ppg.</u>)	<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Application - Rule 1.33(b) CIP (<u>ppg.</u>)	<input type="checkbox"/> Petition for Extension of Time	
<input type="checkbox"/> Application - Rule 1.33(g) CPA Transmittal (<u>ppg.</u>)	<input type="checkbox"/> Petition for	
<input type="checkbox"/> Application - Design (<u>ppg.</u>)	<input type="checkbox"/> Powers	
<input type="checkbox"/> Application - PCT (<u>ppg.</u>)	<input type="checkbox"/> Power of Attorney (<u>ppg.</u>)	
<input type="checkbox"/> Application - Provisional (<u>ppg.</u>)	<input type="checkbox"/> Preliminary Amendment (<u>ppg.</u>)	
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Reply Brief (<u>ppg.</u>)	
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts	
<input type="checkbox"/> Declaration & POA (<u>6 ppg.</u>)	<input type="checkbox"/> Small Entity Declaration for Patent Inventor/Small Business	
<input type="checkbox"/> Defense/Reply & Copy of Interrogatories (<u>ppg.</u>)	<input type="checkbox"/> Transmittal Letter to Examiner	
<input type="checkbox"/> Drawings: <u>20</u> of sheets includes <u>22</u> figures	<input type="checkbox"/> For Transmittal, or Response	
<input checked="" type="checkbox"/> Other: <u>Copy of postcard with expressmail stamp</u>	Request for	
early publication under 37 CFR § 1.219		

Attorney's Docket No.: 003801.P058

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Michael Schwankl, et al.)
Application No.: Not Yet Assigned)
Filed: Herewith)
For: A METHOD AND SYSTEM TO FACILITATE)
PRE-ORDERING VIA AN ELECTRONIC COMMERCE)
FACILITY, AND AUTOMATICALLY TO FACILITATE)
SATISFYING OF A PRE-ORDER UPON LISTING OF)
AN APPROPRIATE OFFER VIA THE ELECTRONIC)
COMMERCE FACILITY)

)

Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR EARLY PUBLICATION UNDER 37 CFR § 1.219

Sir:

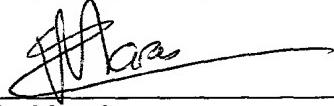
Applicant hereby request early publication for the above referenced application. Enclosed please find a check in the amount of \$300.00, the publication fee required under 37 CFR § 1.18d.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 07/31/01


André L. Marais
Reg. No. 48,095

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